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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,	)	CASE NO: 17-00204 JD
14	)	
15 Plaintiff,	)	STIPULATION REGARDING DISCOVERY
16 v.	)	DEADLINES, PRETRIAL CONFERENCE, TRIAL
17	)	DATE, AND EXCLUSION OF TIME UNDER THE
18 EUGENE LATRELL MCNEELY,	)	SPEEDY TRIAL ACT AND <del>PROPOSED</del> ORDER
19	)	
20 Defendant.	)	
21	)	
22	)	
23	)	
24	)	
25	)	
26	)	
27	)	
28	)	

19 The United States of America, by and through its counsel of record, the United States Attorney  
20 for the Northern District of California and Assistant United States Attorneys Ross Weingarten and  
21 Sheila Armbrust, and defendant Eugene Latrell McNeely, by and through his counsel of record, John  
22 Jordan, hereby stipulate as follows:

23 1. The parties appeared in Court on February 6, 2019. At the hearing, counsel for the  
24 United States informed the Court that one of its potential trial witnesses is unavailable the week of June  
25 3, 2019, the current trial date. Both the Court and the parties agreed to continue the trial to July 15,  
26 2019.

27 2. Accordingly, the parties set the following discovery deadlines:  
28

- The United States must turn over materials sufficient to inform the defendant of the theory of the case underlying Counts Three and Four of the Superseding Indictment by Monday, April 8, 2019 (within 60 days of the date of the hearing). Counsel for the government will continue to produce any discovery pertaining to Counts Three and Four as the government obtains such information;
- The government must produce any expert notice by Thursday, May 16 (60 days before trial). The defendant must produce any rebuttal expert notice by Friday, June 14 (30 days before trial);
- The United States must produce all Rule 16, 404(b) material, and any Henthorn/Giglio material available by Thursday, May 16, 2019 (60 days before trial).

3. As a result of the new schedule, the parties respectfully request that the Court re-set the Final Pretrial Conference in this matter for Wednesday, June 12, 2019, at 10:30 a.m., which is the date provided by the Court during the February 6, 2019, hearing.

4. The parties further stipulate to the following schedule for pretrial filings:

- By May 29, 2019, fourteen days before the Pretrial Conference, the parties shall file any motions *in limine* to be heard prior to the commencement of trial and will provide a list of exhibits to the other party.
- By June 5, 2019, seven days before the Pretrial Conference, the parties shall file (1) jointly proposed jury instructions, (2) separately proposed jury instructions, (3) a pretrial conference statement, (4) objections to evidence, (5) jointly proposed voir dire, (6) witness lists, (7) verdict forms, and (8) responses to motions *in limine*.

5. The parties further stipulate that the time between February 6, 2019, and July 15, 2019, be excluded under the Speedy Trial Act so that defense counsel can continue to prepare, including by reviewing the discovery already produced and materials to be produced, and also based on continuity of counsel, given defense counsel's schedule in May 2019. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from February 6, 2019, through July 15, 2019, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

1 The undersigned Assistant United States Attorneys certify that they have obtained approval from  
2 counsel for the defendant to file this stipulation and proposed order.

3  
4 IT IS SO STIPULATED.

5  
6 DATED: February 11, 2019

DAVID L. ANDERSON  
United States Attorney

7  
8 /s/  
ROSS WEINGARTEN  
SHEILA A.G. ARMBRUST  
Assistant United States Attorneys

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10  
11 DATED: February 11, 2019

/s/  
JOHN JORDAN  
Counsel for Defendant EUGENE MCNEELY

1 **~~PROPOSED~~ ORDER**

2 The Court has read and considered the parties' Stipulation Regarding Discovery Deadlines,  
3 Pretrial Conference, and Trial Date, and Exclusion of Time Under the Speedy Trial Act.

4 IT IS HEREBY ORDERED that trial is continued to July 15, 2019, with a Pretrial Conference  
5 set for June 12, 2019. The Court adopts the discovery and pretrial briefing schedule set forth in the  
6 parties' stipulation.

7 Based upon the facts set forth in the stipulation of the parties and for good cause shown, the  
8 Court finds that failing to exclude the time from February 6, 2019 through July 15, 2019, would  
9 unreasonably deny defense counsel and the defendant the reasonable time necessary for effective  
10 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The  
11 Court further finds that the ends of justice served by excluding the time from February 6, 2019, to July  
12 15, 2019, from computation under the Speedy Trial Act outweigh the best interests of the public and the  
13 defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED  
14 that the time from February 6, 2019 through July 15, 2019, shall be excluded from computation under  
15 the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

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17 IT IS SO ORDERED.

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19 DATED: February 21, 2018

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HON. JAMES DONATO  
UNITED STATES DISTRICT JUDGE